

REMARKS

In the application claims 1-27 remain pending. No claims have been withdrawn and no claims have been added. The pending claims presently stand rejected. The reconsideration of the rejection of the claims is respectfully requested.

In the Office Action, claims 7 – 8, 10, 13 – 14, 16, 17, 23, 25, and 27 were rejected under 35 U.S.C. § 102 as being anticipated by Allport (U.S. Patent No. 6,104,334). In rejecting the claims, it was set forth that Allport discloses “using the data at the Web server to retrieve an electronic document comprising human-readable information (IR command library) for instructing a consumer how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance that is identified by the data” and “transmitting the electronic document from a Web server to a hand-held device whereby a representation of the electronic document is displayable on the hand-held device.” Reference was made to Fig. 15, items 10, 65, 420 and Fig. 2, item 100; Col. 5, Line 54 – Col. 6, Line 13, Col. 11, Lines 17 – 21, Col. 22, Lines 25 – 65 and Col. 8, Lines 60 – 63).

In response to this rejection of the claims, it is submitted that a rejection under 35 U.S.C. § 102 requires that a single prior art reference disclose every element set forth in the claims, considering each and every word, and that those elements must be arranged as required by the claims. Since Allport clearly fails to disclose, teach, or suggest every element set forth in claims 7 – 8, 10, 13 – 14, 16, 17, 23, 25, and 27 or the arrangement of the elements set forth in claims 7 – 8, 10, 13 – 14, 16, 17, 23, 25, and 27, the rejection of the claims must be withdrawn.

As discussed previously, the claimed invention is directed to a hand-held device that is adapted to display a representation of an electronic document comprising *human-readable information in a form for instructing a consumer how to interact with one or more controls of the*

consumer appliance for the purpose of operating the consumer appliance. It is to be appreciated that “instructing” is defined in the Merriam-Webster dictionary as: 1) to give knowledge to, i.e., teach, train; and 2) to provide with authoritative information or advice, i.e., “the judge *instructed* the jury.” Further of the claims also specify that the electronic document may be downloaded from an appliance or from a Web site. Still further claims set forth that the hand-held device may provide data to the Web site that serves to identify the appliance to the Web site. The Web site may then use the data to select the appropriate electronic document for downloading to and displaying on the hand-held device (i.e., the electronic document comprising human-readable information in a form for instructing a consumer how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance that corresponds to the provided data). Yet further claims set forth that the provided data may be the same data used to setup a universal remote control (e.g., a remote control device setup code). In this manner, for example, the claimed invention has the advantage of allowing a user to quickly and easily access a user manual for an appliance in cases where a printed user manual supplied with the appliance is otherwise lost.

Turning now to the rejection in view of Allport, it is first submitted that the “IR command library” disclosed in Allport is neither *human-readable* nor does it function to *instruct a consumer how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance*. Rather, an IR command library provides nothing more than a means for transmitting IR command codes to an appliance. Second, it is submitted that the “IR command library” disclosed in Allport is not an electronic document *that is displayable on the display of a hand-held device*. Third, it is submitted that “loading, testing, and unloading” IR libraries from the remote control until one is found that can be used to control the operations

of an appliance fails to *instruct a consumer how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance.*

In sum, the disclosure of Allport related to downloading IR command libraries into a remote control, which was well known prior to the filing of the subject application, does not disclose, teach, or suggest downloading and displaying human readable information that functions to INSTRUCT a user how to control operations of the consumer appliance to achieve an intended result in the consumer appliance. Like the art cited in previous rejections, the system disclosed in Allport suffers the very disadvantage the present invention seeks to overcome, namely, that a consumer of the Allport remote control would still be required to find a printed user manual (or use trial and error) to operate the remote control or the controls of an appliance to thereby control operations of the consumer appliance. Therefore, for the reason that downloading an IR code library into a remote control cannot be said, under any reasoning or rationale, to be the claimed *downloading and displaying* of an electronic document having *human-readable* information for *instructing a consumer how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance*, the rejection under 35 U.S.C. § 102 must be withdrawn.

With respect to the rejection of claims 9, 15, 18, 19 – 22, 24, and 26 as being obvious over Allport as modified by Ketcham (U.S. Patent No. 6,195,589), Kolawa (U.S. Patent No. 6,236,974), or Amro (U.S. Patent No. 6,507,762), it is submitted that this rejection must be withdrawn for the reason that Allport cannot be said to disclose, teach, or suggest the claim elements as has been set forth in the Office Action. It is further submitted that this rejection must be withdrawn for the simple reason that a prima facie case of obviousness has not been established. In this regard, the Office Action has failed to provide any “real” motivation for

modifying Allport to arrive at the claimed invention which motivation is clearly set forth in the references cited. Rather, the Office Action only summarily states that it would be obvious to modify Allport to “allow appliances to be remotely controlled.” It is noted that Allport *already* discloses a system for remotely controlling appliances and, as such, the motivation to modify Allport in the manner set forth in the Office Action, i.e., “to allow appliances to be remotely controlled,” does not exist. Still further, it is respectfully questioned why one of skill in the art would be motivated to substitute a “recipe” for an “IR command library” or provide an “IR command library” on multiple-linked pages as would occur if Allport were to be modified in the manner espoused in the Office Action. Thus, from the foregoing, it is clear that the rejection under 35 U.S.C. § 103 must be removed and that these claims be determined to be in a condition for allowance.

Turning now to the rejection of claims 1 – 3, 5 – 6, 11, and 12 under 35 U.S.C. § 103 as being rendered obvious by Abrams (U.S. Patent No. 6,587,739) in view of Amro, it is again respectfully submitted that a rejection under 35 U.S.C. § 103, like a rejection under 35 U.S.C. § 102, must demonstrate that a combination of references teach or suggest each and every element of a claim, considering each and every word, as well as the specific arrangement of those elements. Since the combination of Abrams and Amro cannot be said to teach or suggest each and every element or the specific arrangement of the elements as set forth in the claims under consideration, this rejection must be withdrawn.

Specifically, the Office Action has asserted that Abrams discloses a consumer appliance having memory (citing to Fig. 2, item 224 and Col. 4, lines 51 – 55) where the memory has stored therein an electronic document comprising human-readable information in the form for instructing a consumer how to interact with one or more controls of the consumer appliance for

the purpose of operating the consumer appliance (citing to Fig. 4, item 50, Col. 10, Line 67 to Col. 11, Line 27, and Col. 12, Lines 19 – 28) and a hand-held device having a display (citing to Fig. 4, item 410 and Col. 9, Line 67 to Col. 10 Line 10). However, upon close inspection of the cited passages, it is clear that Abrams cannot be said to disclose those claim elements that are set forth in the Office Action as being disclosed by Abrams.

Looking now to Abrams, it is set forth in the Office Action that Abrams discloses a consumer appliance having a memory (citing Fig. 2, item 224) and that the memory has stored therein an electronic document comprising human-readable information in a form for instructing a consumer how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance (citing Fig. 4, item 50). However, it is noted that item 224 and item 50 ARE NOT EVEN THE SAME DEVICE. Rather, item 224 is a consumer appliance while item 50 is a PLC remote control for the consumer appliance. Furthermore, Abrams never discloses, teaches, or suggests *that the memory of item 224*, which corresponds to a consumer appliance, has an electronic document comprising human-readable information in a form for instructing a consumer how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance. Accordingly, Abrams cannot be said to disclose the elements and arrangement of elements set forth in the claims under consideration and the rejection must be withdrawn.

Still further, the Office Action sets forth that it would have been obvious to modify the system of Abrams in “order to allow appliances to be remotely controlled.” As before, it is respectfully questioned why it would be obvious to modify the system of Abrams “to allow the appliances to be remotely controlled” when the PLC of Abrams *already* allows for the remote control of the appliances 224. Still further, why would it be obvious to modify Abrams “to

transmit signals indicative of the electronic document to the hand-held device” when the Office Action itself sets forth that the hand-held device (item 50 having display 410) of Abrams *already* has the memory having stored thereon the electronic document? Clearly the Office Action fails to set forth any motivations sufficient to modify the system of Abrams to include the various claim elements and the arrangement of those claim elements that are missing from Abrams but set forth in the claims under consideration. For this still further reason, the claims must be allowed.

CONCLUSION

The Office Action has been carefully reviewed and the rejections set forth therein clearly demonstrate a failure to take into consideration each and every word of the claims as is required to maintain a rejection under either 35 U.S.C. § 102 or 35 U.S.C. § 103. Furthermore, to the extent that the Office Action has picked elements from the various references, the Office Action has failed to cite any passages from those references that might be said to teach or suggest the desirability of the espoused combinations. Rather, the Office Action has only set forth unsupported “motivations” for combining the various references which “motivations” could only have been arrived at by reading the disclosure of the applicants. In other words, the rejections of the claims clearly demonstrate the impermissible use of the disclosure of the applicants as a template to piece together various elements of the art of record. For at least these reasons, it is respectfully submitted that the application is in good and proper form for allowance. Such action of the part of the Examiner is respectfully requested.

At this time it is requested that, should the claims be again rejected on the same art as set forth in the Office Action, that the Examiner kindly contact the undersigned to set up an

interview that will include the supervisor of the Examiner whereby an unnecessary appeal process may be avoided.

Respectfully Submitted;

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